UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,408	08/13/1999	CHRISTOPHER C. ANDREWS	ANDREWS-0080	3712

28960 7590 08/23/2005

HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER	
PHAN, JOSEPH T	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/374,408	ANDREWS, CHRISTOPHER C.	
	Examiner	Art Unit	
	Joseph T. Phan	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *51-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 61 recites several instances of the term "location". Line 4 recites "a location", lines 5 and 6 recites "the location", and line 13 recites "the specified location". From this, It is unclear if there is only one specified location or if there are several different locations therefore makes the claim indefinite.

Furthermore, claim 61, line 2 recites *"remotely recording audio data, wherein the audio data is provided by a user",* line 4 recites "the recorded audio data", line 7 recites "modifying the recorded audio data", and line 11 recites "the audio data" it is unclear if "the audio data" is the same data as "the recorded audio data" which makes the claim indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51-74 rejected under 35 U.S.C. 102(e) as being anticipated by Swartz, Patent #6,445,694.

Regarding claim 51, Swartz teaches a method, comprising: receiving audio data at a recording system, wherein the audio data is received from a user over a network, wherein the recording system is remote from the user; recording the audio data at the recording system and reviewing the recorded audio data(Fig.9, Fig.10, and col.10 lines 5-18);

storing the recorded audio data in an audio file on a storage device, and

assigning an address to correspond to the audio file, wherein when the corresponding address is accessed by a computer system, the audio data from the audio file with the corresponding address is transmitted to the computer system; wherein the recorded audio data is reviewed prior to being accessible by the computer system(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 52, Swartz teaches the method of claim 51, wherein reviewing the recorded audio data comprises the user reviewing the recorded audio data by at least one of playing back the recorded audio data, editing the recorded audio data, and rerecording the recorded audio data(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 53, Swartz teaches the method of claim 51, wherein the reviewing the recorded audio data

comprises reviewing the recorded audio data's content(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 54, Swartz teaches the method of claim 53, wherein reviewing the recorded audio data's content comprises:

converting at least a portion of the recorded audio data into text; and

searching the text for at least one keyword(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 55, Swartz teaches the method of claim 51, further comprising:

specifying a location for posting the recorded audio data;

accessing a location profile of the location, wherein the location profile comprises a requirement for audio data to be posted at the location;

modifying the recorded audio data to conform to the requirement in the location profile; and directly posting the address corresponding to the audio file in the specified location(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 56, Swartz teaches the method of claim 51, further comprising: obtaining information from the user; and storing at least a portion of the obtained information in a user profile(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 57, Swartz teaches the method of claim 56, further comprising using the user profile to automatically bill the user(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 58, Swartz teaches the method of claim 51, wherein the address is assigned by a server; wherein the server transmits the audio data from the audio file with the corresponding address to the computer system when the computer system

accesses the corresponding address(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 59, Swartz teaches the method of claim 51, further comprising: including the audio file in a second file, wherein when the second file is accessed by the computer system, the audio data from the audio file is transmitted to the computer system(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 60, Swartz teaches the method of claim 59, wherein the second file is an electronic mail message(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 61, Swartz teaches a method, comprising:

remotely recording audio data at a remote recording system, wherein the audio data is provided by a user over a network;

specifying a location for posting the recorded audio data;

accessing a: location profile of the location, wherein the location profile comprises a requirement for audio data to be posted at the location',

modifying the recorded audio data to conform to the requirement in the location profile;

storing the recorded audio data in an audio file on a storage device',

assigning an address to correspond to the audio file, wherein when the corresponding address is accessed by a computer system, the audio data âom the audio file with the corresponding address is transmitted to the computer system; and

directly posting the address corresponding to the audio file in the specified

location(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 62, Swartz teaches the method of claim 61, further comprising: reviewing the recorded audio data;

wherein the recorded audio data is reviewed prior to being accessible by the computer system(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 63, Swartz teaches the method of claim 62, wherein reviewing the recorded audio data comprises the user reviewing the recorded audio data by at least one of playing back the recorded audio data, editing the recorded audio data, and rerecording the recorded audio data(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 64, Swartz teaches the method of claim 62, wherein the reviewing the recorded audio data comprises reviewing the recorded audio data's content for at least one keyword(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 65, Swartz teaches the method of claim 61, wherein the location profile comprises at least one of path requirements, access requirements, administrative requirements, technical requirements, content requirements, and timing requirements (Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 66, Swartz teaches the method of claim 61, further comprising: obtaining information from the user; and storing at least a portion of the obtained information in a user profile(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 67, Swartz teaches the method of claim 66, further comprising using the user profile to automatically bill the user(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 68, Swartz teaches the method of claim 61, wherein the address is assigned by a server; wherein the server transmits the audio data from the audio file with the corresponding address to the computer system when the computer system accesses the corresponding address(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 69, Swartz teaches the method of claim 61, further comprising: including the audio file in a second file, wherein when the second file is accessed by the computer system, the audio data from the audio file is transmitted to the computer system(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 70, Swartz teaches the method of claim 69, wherein the second file is an electronic mail message(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 71, Swartz teaches a system, comprising:

means for receiving audio data at a recording system, wherein the audio data is received from a user over a network, wherein the recording system is remote from the user;

means for recording the audio data at the recording system',

means for reviewing the recorded audio data;

means for storing the recorded audio data in an audio file on a storage device, and

means for assigning an address to correspond to the audio file, wherein when the corresponding address is accessed by a computer system, the audio data âom the audio file with the corresponding address is transmitted to the computer system; wherein the recorded audio data is reviewed prior to being accessible by the computer system(Fig.1, Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 72, Swartz teaches a memory medium comprising program instructions, wherein the program

instructions are computer-executable to implement a method comprising:

receiving audio data at a recording system, wherein the audio data is received from a user over a network, wherein the recording system is remote from the user;

recording the audio data at the recording system,

reviewing the recorded audio data;

storing the recorded audio data in an audio file on a storage device, and

assigning an address to correspond to the audio file, wherein when the corresponding address is accessed by a computer system, the audio data from the audio file with the corresponding address is transmitted to the computer system; wherein the recorded audio data is reviewed prior to being accessible by the computer system(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 73, Swartz teaches a system, comprising:

a central processing unit (CPU), and

a memory coupled to the CPU, wherein the memory is configured to store at lemst one computer proram executable by the CPU, and wherein at least one computer

program is executable to:

receive audio data at a recording system, wherein the audio data is received from a user over a network, wherein the recording system is remote from the user;

record the audio data at the recording system;

review the recorded audio data;

store the recorded audio data in an audio file on a storage device, and

assign an address to correspond to the audio file, wherein when the corresponding address is accessed by a computer system, the audio data from the audio file with the corresponding address is transmitted to the computer system;

wherein the recorded audio data is reviewed prior to being accessible by the computer system(Fig.1, Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Regarding claim 74, Swartz teaches a method, comprising:

receiving audio data at a recording system, wherein the audio data is received from a first user over a network, wherein the recording system is remote from the first

recording the audio data at the recording system',

storing the recorded audio data in an audio file on a storage device;

presenting the audio tile to the user for approval;

assigning an address corresponding to the audio file;

receiving a request for the audio file, wherein the request specifies the address corresponding to the audio file, wherein the request is received from a computer system associated with a requesting user;

providing the audio file to the computer system in response to the request; and presenting the audio file on the computer system(Fig.9, Fig.10, col.9 line 53-col.10 line 36, and col.12 lines 36-59).

Response to Arguments

3. Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
August 16, 2005

CREIGHTON SMITH
PRIMARY EXAMINER